

AMENDED IN SENATE JUNE 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 283

Introduced by Assembly Member Jackson

February 5, 2003

An act to amend Section 13957 of the Government Code, relating to victims of crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 283, as amended, Jackson. Victims of crime: reimbursement.

Existing law provides for the indemnification of victims of specified types of crimes for specified expenses that become necessary as a direct result of the crime. Indemnification is made under these provisions from the Restitution Fund, which is continuously appropriated to the California Victim Compensation and Government Claims Board for these purposes. ~~Indemnification~~ *The total award to or on behalf of each victim or derivative victim may not exceed \$35,000, except that this amount may be increased to \$70,000 if federal funds for that increase are available.*

This bill would limit those awards to an aggregate amount of \$35,000 to a victim and all derivative victims sustaining a loss as a result of the crime against that victim, except that this amount may be increased to \$70,000 if federal funds for that increase are available. In addition, a victim disabled as a result of a crime would be eligible for an individual award not to exceed \$35,000 and the aggregate award in that case could not exceed \$70,000.

Under existing law, indemnification may include a cash payment not to exceed \$2,000 to a victim for specified expenses incurred in

relocating if determined to be necessary for the personal safety or the emotional well-being of the victim.

This bill would limit those awards for relocation expenses to \$2,000 per household.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13957 of the Government Code is
2 amended to read:

3 13957. (a) The board may grant for pecuniary loss, when the
4 board determines it will best aid the person seeking compensation,
5 as follows:

6 (1) Subject to the limitations set forth in Section 13957.2,
7 reimburse the amount of medical or medical-related expenses
8 incurred by the victim, including, but not limited to, eyeglasses,
9 hearing aids, dentures, or any prosthetic device taken, lost, or
10 destroyed during the commission of the crime, or the use of which
11 became necessary as a direct result of the crime.

12 (2) Subject to the limitations set forth in Section 13957.2,
13 reimburse the amount of outpatient psychiatric, psychological, or
14 other mental health counseling related expenses incurred by the
15 victim or derivative victim, including peer counseling services
16 provided by a rape crisis center as defined by Section 13837 of the
17 Penal Code, and including family psychiatric, psychological, or
18 mental health counseling for the successful treatment of the victim
19 provided to family members of the victim in the presence of the
20 victim, whether or not the family member relationship existed at
21 the time of the crime, that became necessary as a direct result of
22 the crime, subject to the following conditions:

23 (A) The following persons may be reimbursed for the expense
24 of their outpatient mental health counseling in an amount not to
25 exceed ten thousand dollars (\$10,000):

26 (i) A victim.

27 (ii) A derivative victim who is the surviving parent, sibling,
28 child, spouse, fiancé, or fiancée of a victim of a crime that directly
29 resulted in the death of the victim.

30 (iii) A derivative victim, as described in paragraphs (1) to (4),
31 inclusive, of subdivision (c) of Section 13955, who is the primary



1 caretaker of a minor victim whose claim is not denied or reduced
2 pursuant to Section 13956 in a total amount not to exceed ten
3 thousand dollars (\$10,000) for not more than two derivative
4 victims.

5 (B) The following persons may be reimbursed for the expense
6 of their outpatient mental health counseling in an amount not to
7 exceed three thousand dollars (\$3,000):

8 (i) A derivative victim not eligible for reimbursement pursuant
9 to subparagraph (A), provided that mental health counseling of a
10 derivative victim described in paragraph (5) of subdivision (c) of
11 Section 13955, shall be reimbursed only if that counseling is
12 necessary for the treatment of the victim.

13 (ii) A victim of a crime of unlawful sexual intercourse with a
14 minor committed in violation of subdivision (d) of Section 261.5
15 of the Penal Code. A derivative victim of a crime committed in
16 violation of subdivision (d) of Section 261.5 of the Penal Code
17 shall not be eligible for reimbursement of mental health
18 counseling expenses. The total award to or on behalf of a victim
19 of a crime committed in violation of subdivision (d) of Section
20 261.5 of the Penal Code may not exceed three thousand dollars
21 (\$3,000) for mental health counseling expenses only.

22 (C) The board may reimburse a victim or derivative victim for
23 outpatient mental health counseling in excess of that authorized by
24 subparagraphs (A) or (B) or for inpatient psychiatric,
25 psychological, or other mental health counseling if the claim is
26 based on dire or exceptional circumstances that require more
27 extensive treatment, as approved by the board.

28 (D) Expenses for psychiatric, psychological, or other mental
29 health counseling related services may be reimbursed only if the
30 services were provided by either of the following individuals:

31 (i) A person who would have been authorized to provide those
32 services pursuant to the provisions of former Article 1
33 (commencing with Section 13959) as it read on January 1, 2002.

34 (ii) A person who is licensed by the state to provide those
35 services, or who is properly supervised by a person who is so
36 licensed, subject to the board's approval and subject to the
37 limitations and restrictions the board may impose.

38 (3) Reimburse the expenses of nonmedical remedial care and
39 treatment rendered in accordance with a religious method of
40 healing recognized by state law.



1 (4) Subject to the limitations set forth in Section 13957.5,
2 authorize compensation equal to the loss of income or loss of
3 support, or both, that a victim or derivative victim incurs as a direct
4 result of the victim's or derivative victim's injury or the victim's
5 death. If the victim or derivative victim requests that the board give
6 priority to reimbursement of loss of income or support, the board
7 may not pay medical expenses, or mental health counseling
8 expenses, except upon the request of the victim or derivative
9 victim or after determining that payment of these expenses will not
10 decrease the funds available for payment of loss of income or
11 support.

12 (5) Authorize a cash payment to or on behalf of the victim for
13 job retraining or similar employment-oriented services.

14 (6) Reimburse the expense for installing or increasing
15 residential security, not to exceed one thousand dollars (\$1,000),
16 with respect to a crime that occurred in the victim's residence,
17 upon verification by law enforcement to be necessary for the
18 personal safety of the victim or by a mental health treatment
19 provider to be necessary for the emotional well-being of the
20 victim. Installing or increasing residential security may include,
21 but need not be limited to, both of the following:

22 (A) Home security device or system.

23 (B) Replacing or increasing the number of locks.

24 (7) Reimburse the expense of renovating or retrofitting a
25 victim's residence or a vehicle, or both, to make the residence, the
26 vehicle, or both, accessible or the vehicle operational by a victim
27 upon verification that the expense is medically necessary for a
28 victim who is permanently disabled as a direct result of the crime,
29 whether the disability is partial or total.

30 (8) Authorize a cash payment or reimbursement not to exceed
31 two thousand dollars (\$2,000) per household for expenses
32 incurred in relocating, if the expenses are determined by law
33 enforcement to be necessary for the personal safety of the victim
34 or by a mental health treatment provider to be necessary for the
35 emotional well-being of the victim. When a relocation payment or
36 reimbursement is provided to a victim of sexual assault or
37 domestic violence and the identity of the offender is known to the
38 victim, the victim shall agree not to inform the offender of the
39 location of the victim's new residence and not to allow the offender
40 on the premises at any time, or shall agree to seek a restraining



1 order against the offender. The cash payment or reimbursement
2 made under this subdivision shall only be awarded once to any
3 victim or household, except that the board may, under compelling
4 circumstances, award a second cash payment or reimbursement to
5 the same victim or household if both of the following conditions
6 are met:

7 (A) The crime occurs more than three years from the date of the
8 crime giving rise to the initial relocation cash payment or
9 reimbursement.

10 (B) The crime does not involve the same offender.

11 (9) When a victim dies as a result of a crime, the board may
12 reimburse any individual who voluntarily, and without
13 anticipation of personal gain, pays or assumes the obligation to pay
14 any of the following expenses:

15 (A) The medical expenses incurred as a direct result of the
16 crime in an amount not to exceed the rates or limitations
17 established by the board.

18 (B) When the crime occurs in a residence, the reasonable costs
19 to clean the scene of the crime in an amount not to exceed one
20 thousand dollars (\$1,000). Services reimbursed pursuant to this
21 subdivision shall be performed by persons registered with the State
22 Department of Health Services as trauma scene waste practitioners
23 in accordance with Chapter 9.5 (commencing with Section
24 118321) of Part 14 of Division 104 of the Health and Safety Code.

25 (C) The funeral and burial expenses incurred as a direct result
26 of the crime, not to exceed seven thousand five hundred dollars
27 (\$7,500).

28 ~~(b) The total award to or on behalf of each victim or derivative~~
29 ~~victim may not exceed thirty-five thousand dollars (\$35,000),~~
30 ~~except that this amount may be increased to seventy thousand~~
31 ~~dollars (\$70,000) if federal funds for that increase are available.~~

32 *(b) (1) The total aggregate award to a victim and all derivative*
33 *victims sustaining a loss as a result of the crime against that victim*
34 *may not exceed thirty-five thousand dollars (\$35,000), except that*
35 *this amount may be increased to seventy thousand dollars*
36 *(\$70,000) if federal funds for that increase are available.*

37 *(2) Subject to the limitations in Section 13957.5,*
38 *notwithstanding paragraph (1), a victim permanently disabled as*
39 *a direct result of a crime shall be individually eligible for an award*
40 *in the amount limited as provided in paragraph (1), and a separate*



- 1 *limit of seventy thousand dollars (\$70,000) shall apply to the*
- 2 *aggregate losses of all derivative victims deriving from the crime*
- 3 *against that permanently disabled victim.*

O

